

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
BOARD OF OIL, GAS AND MINING**

**In the Matter of the Petition of Genwal
Resources, Inc. for Review of Division
Order DO10A, Crandall Canyon Mine**

**ADMINISTRATIVE SUMMONS FOR
JERRY CRIPPS TO APPEAR AS A
REBUTTAL WITNESS**

Docket No. 2010-026

Cause No. C/015/0032

FROM THE STATE OF UTAH TO THE ABOVE NAMED REBUTTAL WITNESS:

1. By motion of the Utah Division of Oil, Gas and Mining, a party to the aforementioned matter, the Utah Board of Oil, Gas and Mining ("Board") hereby summons you, Jerry Cripps a Utah resident, to appear and, if called, give rebuttal testimony in an evidentiary hearing before the Utah Board of Oil, Gas, and Mining.

2. The hearing will be held on December 7, 2011 at 9:00 a.m. in the Auditorium of the Utah Department of Natural Resources Building located at 1594 West North Temple, Salt Lake City, Utah.

3. Pursuant to Board's September 20, 2011 Minute Entry the purpose of this evidentiary hearing is to establish the operation costs and potential liability to the State of Utah to operate the current water treatment facility located at the Crandall Canyon Mine site.

4. The Division requests your appearance as a rebuttal witness on the issue of

form, functionality, and costs to operate the current treatment facility. The Division anticipates it may need to call you to testify to supports its cost estimates and as rebuttal testimony to the testimony of Genwal's proffered witnesses.

5. Pursuant to Utah Admin. Code R641-108-200 the Board "shall use as appropriate guides the Utah Rules of Evidence insofar as the same may be applicable and not inconsistent with these rules" but is not bound to strictly follow the Utah Rules of Evidence.

6. Pursuant to Utah Admin Code. R641-108-820, you are entitled to receive the same fees and mileage allowed by law to witnesses in a district court. The regular witness fee for one day of testimony is \$18 plus \$1.00 for every 4 miles you travel. Reimbursement for one day of testimony and mileage costs for 240 miles of travel are attached with this summons.

7. Under Utah Rule of Civil Procedure Rule 45(g) if you fail to attend this hearing you may be held in contempt of court.

8. While this is an administrative summons before the Board, as a courtesy a "Notice to Persons Served with a Subpoena" applicable to Utah District Court is attached to apprise you of your rights and responsibilities. Please reference this document.

9. If you object to this summons you must file, prior to the requested date of appearance, a single sided administrative objection similar in form but need not be identical to the Utah District Court objection form attached. You may also reference Utah Rule of Civil Procedure Rule 45(e). The objection must be filed with:

Julie Ann Carter, Executive Secretary
Board of Oil, Gas, and Mining
PO Box 145801
Salt Lake City, UT 84114
juliecarter@utah.gov
(801) 538-5277

Dated this ____ day of November, 2011.

James Jenson, Chairman
Board of Oil, Gas, Mining
1549 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5340

Notice to Persons Served with a Subpoena

(1) Rights and responsibilities in general. A subpoena is a court order whether it is issued by the court clerk or by an attorney as an officer of the court. You must comply or file an objection, or you may face penalties for contempt of court. If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance. If you are commanded to appear at a trial, hearing, deposition, or other place, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction). When the subpoena is issued on behalf of the United States or Utah, fees and mileage need not be tendered. The witness fee for each subsequent day is \$49.00 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

(2) Subpoena to copy and mail documents. If the subpoena commands you to copy documents and mail the copies to the attorney or party issuing the subpoena, you must organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The party issuing the subpoena must pay the reasonable cost of copying the documents. You must mail with the copies a Declaration of Compliance with Subpoena stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

(3) Subpoena to appear. If the subpoena commands you to appear at a trial, hearing, deposition, or for inspection of premises, you must appear at the date, time, and place designated in the subpoena. The trial or hearing will be at the courthouse in which the case is pending. For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

- (A) If you are a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:
 - in which you reside;
 - in which you are employed;
 - in which you transact business in person; or

(C) requires you, as a non-resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise;

(D) requires you to disclose privileged or other protected matter and no exception or waiver applies;

(E) requires you to disclose a trade secret or other confidential research, development, or commercial information;

(F) subjects you to an undue burden; or

(G) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(7) How to object. To object to the subpoena, serve the Objection to Subpoena on the party or attorney issuing the subpoena. The name and address of that person should appear in the upper left corner of the subpoena. You must do this before the date for compliance. An Objection to Subpoena form is part of this Notice; you may need to modify it to fit your circumstances. Once you have filed the objection, do not comply with the subpoena unless ordered to do so by the court.

(8) Motion to compel. After you make a timely written objection, the party or attorney issuing the subpoena might serve you with a motion for an order to compel you to comply and notice of a court hearing. That motion will be reviewed by a judge. You have the right to file a response to the motion, to attend the hearing, and to be heard. You have the right to be represented by a lawyer. If the judge grants the motion, you may ask the judge to impose conditions to protect you.

(9) Organizations. An organization that is not a party to the suit and is subpoenaed to appear at a deposition must designate one or more persons to testify on its behalf. The organization may set forth the matters on which each person will testify. URCP 30(b)(6).

My Name _____
Address _____
Phone _____
Email _____

In the ☐ District ☐ Justice ☐ Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Objection to Subpoena

Case Number _____

Judge _____

Commissioner _____

Instructions: URCP 45 limits the grounds for an objection. For each of the grounds other than (2) or (3) please provide a full explanation. Attach additional sheets as necessary.

I have been served with a subpoena in this case, and I object because the subpoena:

(1) ☐ Fails to allow me a reasonable time in which to comply.

(2) ☐ Requires me, a resident of Utah, to:

- ☐ appear at a deposition;
- ☐ produce documents, electronic records or tangible things; or
- ☐ permit inspection of premises

in a county in which I do not reside, am not employed, and do not transact business in person.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Objection to Subpoena is true and correct.

Date _____ Sign here ► _____

 Typed or printed name
 Person subject to subpoena ☐
 Attorney for person subject to subpoena ☐ _____

Certificate of Service			
I certify that I served a copy of this Objection to Subpoena on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

 Typed or printed name _____